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To: "Chester Knowles" <cknow@adelphia.net>
Subject: Selectmen Meeting November 13, 2006
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TOWN OF CUSHING SELECTMEN MEETING

November 13, 2006

CUSHING COMMUNITY CENTER

Selectmen Present: Alton Grover, Kim Young, Peter Haviland, David Glidden, and Randy Robbins.

Staff Present: Town Clerk Lisa Young

Board approved Warrant # 133

The meeting was called to order at 6:01 PM. Kim Young motioned, Alton Grover seconded, to approve the October 23, 2006 meeting minutes as written. The motion passed.

Board Approved 3-0

Changes to the Agenda

Ordinance Committee Chairman Daniel Staples expressed his dissatisfaction with the special selectmen meeting and executive session that was held on November 1, 2006. He stated that he was never notified of this meeting and was told that member David Cobey was present at the executive session. He questioned if it was legal. He stated that he received the ok from Chairman of the Board of Selectmen, Alton Grover, to contact MMA as Chairman of the Ordinance Committee to find out if it was legal to invite one member of the committee to the meeting, but not other interested parties, and to change bylaws without the entire committee's knowledge. He stated that MMA informed him that although there is no law, it is highly unethical; all interested parties should be in attendance and all members should be involved in making changes to the by-laws.

Robert Ellis who had researched executive session for Mr. Staples read what constitutes an executive session statute section 405 (6) and a special meeting. Danny Staples questioned if the meeting was a true emergency and if the public was notified. Alton Grover stated that the board made the decision to hold the special selectmen meeting on the same day they held the meeting because that was when all five selectmen could attend and there was an urgency to meet. Town Clerk Lisa Young did post the notice at the town office but there was no time to put it in the paper.

Peter Haviland stated that the reason for the board meeting was due to the problem of not having enough committee members present for a quorum. It was not about Jim Tower as several people suggested. Randy Robbins said that the problem was an ongoing one that had been brought to the attention of the selectmen at the October 23, 2006 meeting. The urgency for the meeting was due to the moratorium expiration date that is coming up in January.

David Cobey Vice Chairman of the Ordinance Committee stated that he sent a letter to the selectmen as Vice Chairman and that the basic idea was to get more people on the committee. The by-law changes

were initiated by the selectmen.

Daniel Staples made a request to the Chairman to have the entire issue revisited. Chairman Alton Grover agreed that the board would revisit this issue.

Philip Young announced that he has resigned from the Ordinance Committee, and went on to state “the taxes are too high!” He made a request to the selectmen to have a joint meeting with residents, selectmen, and assessors to have some of their questions answered. Selectman David Glidden thanked Mr. Young for serving on the Ordinance Committee and went on to explain that shorefront values sent up valuations again, and that the largest reason for the increased taxes was due to the huge increase in school spending. It was noted that due to the increase in the town’s total property values the less the town receives from the State to help pay for schools. Selectman Glidden stated that the public needs to talk to our State Representative and go to both budget meetings for the school and the county. It is up to the public. Selectman Kim Young stated that part of the local budget that the Selectmen can control is lower this year than last year.

Resident Bob Ellis reiterated the value of having a joint meeting to explain why some taxes went up and why the waterfront was hit so hard. The Selectmen agreed that it would be a good idea to have a meeting and that it will be posted at the usual places; Fales Store, Town Office, Cushing Post Office, Cushing e-mail directory, and the local paper. Local residents may contact Lisa at the town office and leave their number if they want to know when the meeting will be held.

Old Business

Harbor Committee- No new updates.

New Business

Joseph Yamello to address the Board- Mr. Yamello stated that his reason for addressing the board is to get real answers as to why he has not been let back on the Cushing Rescue Squad. He blames the Selectmen for dragging on what should have been taken care of immediately. Mr. Yamello has served on the Cushing Rescue Department for eighteen years and thirty-two years on the Cushing Fire Department. He read a statement describing many of his experiences on the Cushing Rescue Squad, and added that he hasn’t had one complaint about his patient care. Mr. Yamello feels that he is being punished because he wrote a letter to the Selectmen about an internal problem in the Cushing Rescue Squad.

Mr. Yamello filed a case with the State Labor Board because he felt that the four step procedure for termination in the Cushing Rescue Bylaws was not followed, and that he has been falsely accused and given no answers as to what he did wrong. Selectman Kim Young explained that volunteers have no protection under the Labor Board, and that the four step procedure of termination is for problems with patient care not internal conflicts. She also noted that Mr. Yamello has been told on several occasions why he has been suspended. Kim read a statement from Interim Squad Director Austin Donaghy stating that the squad has answered every question and request Mr. Yamello has made.

Many residents spoke on Mr. Yamello’s behalf stating that the problem started when Holly Scribner was director and asked why she was not removed from the squad. The Selectmen explained that due to turmoil within the rescue squad the Cushing Rescue Squad put both Joseph Yamello and Holly Scribner on an involuntary leave of absence, and that they could seek reinstatement at the annual general meeting. Selectman Young reiterated that the Mr. Yamello’s suspension was not the result of the

Selectmen's investigation. The Rescue Squad denied Mr. Yamello from returning to the squad by a 9-0 vote; Ms. Scribner's return was approved by a 9-0 vote. It is not the Selectmen's position to approve or deny a person returning to the Rescue Squad it is up to its active members. The Selectmen through their investigation found no basis to remove Ms. Scribner.

Ken Smith commented that it is a shame when the town has a skilled and qualified man and he is not allowed to be on the squad. Selectman Robbins asked where the squad members who support Mr. Yamello were on the night of the vote. Several said they had not been notified of the meeting. Joe Carr stated that the voting took place at a regularly scheduled monthly meeting, the third Wednesday of every month, and that only active members can vote.

Selectmen Young stated that this is the first time the Selectmen have had to deal with this kind of situation and that they tried to be fair and listen to all sides. They feel terrible that it has gotten to this point and want the Rescue Squad to work through and resolve this situation. They are doing their best to support the Rescue Squad Director and hold the Squad together.

Cushing Rescue Squad- Joe Carr informed the board that the Rescue Squad has received a letter from Rockland Fire/EMS department describing its fees for Paramedic/Intermediate responses starting in July, subject to change. A minimum fee of \$150.00 will be charged. Calls that result in service shall result in an additional \$75.00 fee. This means the total cost for a paramedic or EMT-I that respond outside of Rockland's primary coverage area, and perform care above basic assessment will cost the town \$225.00. Any request for an ambulance that Rockland is dispatched to, will generate a minimum charge of \$250.00. The town will have to decide if it wants to charge the patient or put funds into the town's budget to cover these expenses. Selectman Glidden stated we will have to ask the town what it would like to do at town meeting. Danny Staples added that it would be a good idea to have an explanatory paragraph for voters to be given out at town meeting.

Mid-Coast Regional Planning Commission- Tabled until next meeting.

Treasurer- David Glidden informed the board that last July, Treasurer Fred Berg, was supposed to come up with a chart of accounts for the Trio system. Trio came to the town office for training but there has not been any progress since. Selectman Glidden would like the payroll to be ready on January first. Mr. Glidden asked if the board would approve having Trio come and set up the chart of accounts for around four to five hundred dollars. Kim Young motioned, Randy Robbins seconded, to have Trio set up the chart of accounts for the town. The motion passed.

Board Approved 5-0

Trekkers- Selectman David Glidden made a request for the 8th grade Trekkers group to put a box in the Cushing Town Office to collect toner and ink cartridges, and old cell phones for a fund raiser. Kim Young motioned, Alton Grover seconded, to approve the Trekkers placing a box in the town office for the fund raiser. The motion passed.

Board Approved 5-0

Professional Account- Selectman David Glidden informed the board that another attorney bill has arrived for \$6,540 and with the \$25,000 instead of the Selectmen's suggested \$40,000 approved at the Special Town Meeting the professional account is \$229 in the red. Selectman Glidden has notified the town's attorney to stop all activity at the direction of the Special Town Meeting's vote. Selectman Glidden noted that unless other expenditures come up the town has satisfied their legal requirements. He noted that attorney Greg Cunningham stated that the Planning Board has come a long way and may not need a lawyer present and that phone conferences along with MMA opinion would suffice.

Mr. Tower presented the board interrogatory re the Town of Cushing to be an intervener as plaintiff and the defendant's opposition to the Town of Cushing's petition to intervene in the case of the DEP versus Cushing holdings, LLC. Mr. Tower questioned why the town is spending more money on legal costs as intervener for something the DEP is already going to do? Mr. Tower accused the town's attorneys of not giving politically neutral advice; he feels they have a political agenda. Selectman Haviland stated that the board will need to check it out with their legal counsel.

Chairman Alton Grover motioned, Kim Young seconded, to adjourn at 9:30pm. The motion passed.

Board Approved 5-0

Respectfully submitted,

Lisa Young
Recording Secretary
Town Clerk